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8 Attorneys for Defendant PC Iron, Inc.

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA
11

12 U.S. EQUAL EMPLOYMENT
13 OPPORTUNITY COMMISSION,

14 Plaintiffs,

15 v.

16 PC IRON, INC. d/b/a PACIFIC
17 COAST IRON, INC. and Does 1-10
18 Inclusive,
19

20 Defendants.
21

Case No.: 16CV2372 CAB WVG

[Complaint Filed: September 21, 2016]

**DEFENDANT PC IRON, INC.'S
REQUEST FOR ORAL
ARGUMENT ON ELSA PEREZ'S
MOTION FOR LEAVE TO
INTERVENE**

Judge: Hon. Cathy Ann Bencivengo

Dept: Courtroom 4C

Date: September 5, 2017

Pursuant to the Chamber Rules for The Honorable Cathy Ann Bencivengo, Defendant PC Iron, Inc. hereby respectfully requests oral argument on Elsa Perez's Motion for Leave to Intervene pursuant to Rule 24 of the Federal Rules of Civil Procedure.

Why Oral Argument Would be Helpful to the Court

In this case, oral argument would be helpful to the Court because new information has come to light since Defendant's opposition was filed. This information may assist the Court in its decision. Namely, proposed intervenor represented in her Motion for Leave to Intervene [Doc No. 12-1 at 5:16-6:2] and Reply [Doc No. 16 at 3:1-5, 6:1-11] that intervention would not delay proceedings or prejudice Defendant, but counsel for proposed intervenor is already seeking to delay Defendant's discovery efforts.

In July, Defendant requested that the EEOC provide dates in September for the deposition of the charging party and proposed intervenor, Elsa Perez. Recently, the EEOC stated that it would not agree to dates for Ms. Perez's deposition prior to *mid-October* due to the schedule of proposed intervenor's counsel, Mehrdad Bokhour. After engaging in meet and confer efforts, Mr. Bokhour stated that he will not agree to set a date for Ms. Perez's deposition until *after* a ruling on the motion to intervene is issued, and that the deposition will need to be 10-14 days after any ruling. Specifically, Mr. Bokhour stated as follows:

"We agree to a date in September if it occurs 10-14 days after the Court issues a ruling on Ms. Perez's pending motion for leave to intervene. The motion is set for September 5th, but the Court may not issue its ruling on that date. We will have to wait and see."

See attached Exhibit 1. On March 14, The Honorable William V. Gallo ordered all discovery pertaining to facts in this matter be completed on or before October 30, 2017. [Doc No. 11 at §7] If Defendant is unable to take Ms. Perez's deposition in early to mid-September, it will have no opportunity to conduct appropriate follow-up discovery after her deposition. Accordingly, the proposed intervenor is already causing delay that is highly prejudicial to Defendant.

1 For the reasons stated above, Defendant respectfully request that the Court
2 grant oral argument on Elsa Perez's Motion for Leave to Intervene so that the Court
3 may hear all pertinent information before ruling on the issue.

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6 Dated: August 30, 2017

Respectfully submitted,

Simpson Delmore Greene LLP

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8 By: 

9 Terence L. Greene, Esq.

10 Ross M. Poole, Esq.

11 Attorneys for Defendant PC Iron, Inc.
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EXHIBIT “1”

Ross Poole

From: Mehrdad Bokhour <mehrdad@tomorrowlaw.com>
Sent: Wednesday, August 30, 2017 12:46 PM
To: Ross Poole
Cc: CONNIE LIEM; JENNIFER BOULTON; Terry Greene; Dayana Pelayo
Subject: Re: EEOC v. PC Iron, Inc. - Deposition of Elsa Perez

Ross,

I'm afraid you may have mistaken the EEOC and Plaintiff-Intervenor's position with respect to Ms. Perez's deposition. We agree to a date in September if it occurs 10-14 days after the Court issues a ruling on Ms. Perez's pending motion for leave to intervene. The motion is set for September 5th, but the Court may not issue its ruling on that date. We will have to wait and see. The range of 10-14 days was provided as any proposed date still needs to be cleared with counsel and Ms. Perez.

Unfortunately, I'm not available Sept. 6th but I am available anytime on Sept. 7 or 8.

Thanks,

Mehrdad Bokhour
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Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you receive this transmission in error, please notify the sender by reply e-mail and delete the message and its attachments.

On Wed, Aug 30, 2017 at 12:18 PM, Ross Poole <rpoole@sdgllp.com> wrote:

Thank you, Connie. 10 days after the ruling on the motion for leave to intervene is scheduled to take place is September 15. Accordingly, please see the attached amended deposition notice for Ms. Perez.

We are available to meet and confer on all other issues next Wednesday, September 6, at 2:30p.m. Our conference room is available for the meeting. If the issues are not resolved, we propose the joint call with Judge Gallo's chambers take place at 9:00a.m. on September 11. Thank you.

From: CONNIE LIEM [mailto:CONNIE.LIEM@EEOC.GOV]
Sent: Tuesday, August 29, 2017 4:00 PM
To: Ross Poole <rpoole@sdgllp.com>

Cc: JENNIFER BOULTON <JENNIFER.BOULTON@EEOC.GOV>; 'Mehrdad Bokhour' <mehrdad@tomorrowlaw.com>; Terry Greene <tgroene@sdgllp.com>
Subject: RE: EEOC v. PC Iron, Inc. - Deposition of Elsa Perez

Ross,

Ms. Perez Deposition:

The EEOC and Plaintiff-Intervenor object to this deposition on Sept. 13 that you just unilaterally noticed because this date was never cleared. Both the EEOC and Plaintiff-Intervenors propose that we can agree to a date in September for Ms. Perez's deposition, if it occurs 10-14 days after a ruling on Ms. Perez's pending motion for leave to intervene. Ms. Perez will be prejudiced if her deposition proceeds without intervenors' counsel participation in her deposition, among other things.

Joint Call with Judge Gallo:

The EEOC and Judge Gallo are unavailable on September 8, 2017 for a joint call because the EEOC already has a settlement conference for another matter scheduled with Judge Gallo on that day. See attached order. We need to find another date.

In-Person Meet and Confer Date:

Judge Gallo's chamber rules require that we have an in-person meet and confer session. In addition to Ms. Perez' deposition date, the EEOC and plaintiff-intervenor's counsel also requests that we meet and confer on the following discovery disputes:

- Deposition of Ms. Perez's children
- Defendant's production of third-party/employees' personnel records
- Defendant's production of financial records reflecting financial condition

I am available next Wed. after 2 pm on Tuesday or Wednesday after 10 am for an in-person meet and confer. Plaintiff-intervenor's counsel should also be available for this meet and confer session via telephone. Please advise your availability.

Thanks.

From: Ross Poole [<mailto:rpoole@sdgllp.com>]
Sent: Tuesday, August 29, 2017 3:35 PM
To: CONNIE LIEM <CONNIE.LIEM@EEOC.GOV>
Cc: JENNIFER BOULTON <JENNIFER.BOULTON@EEOC.GOV>; 'Mehrdad Bokhour' <mehrdad@tomorrowlaw.com>; Terry Greene <tgreene@sdgllp.com>
Subject: Re: EEOC v. PC Iron, Inc. - Deposition of Elsa Perez

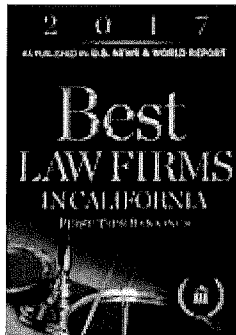
Counsel,

Please see the attached deposition notice for Ms. Perez. If you still intend to object to Ms. Perez's deposition, please provide us with your availability to meet in person to discuss this issue between now and September 7. If we have not reached an agreement resolving this issue by close of business on September 7, we request that you join us in a call with Judge Gallo's chambers on September 8, to inform the Court of the discovery dispute.

Best Regards,

Ross M. Poole, Esq.


SIMPSON • DELMORE • GREENE



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